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10/538,204	06/09/2005	Mi-Suen Lee	US020523	1787
24737	7590	05/19/2009	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS			LE, BRIAN Q	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/538,204	<b>Applicant(s)</b> LEE ET AL.
	<b>Examiner</b> BRIAN Q. LE	<b>Art Unit</b> 2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on **18 March 2009**.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) **1-3,5-11,13-19 and 21-23** is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) **1-3, 5-11, 13-19 and 21-23** is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
 

Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)
 

Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

**Response to Amendment and Arguments**

1. Applicant's amendment filed March 18, 2009, has been entered and made of record.
2. The rejection of claims 1-3 and 5-8 under 35 U.S.C. 101 is withdrawn because the Applicant amended to tie to a particular machine "video phone system" and "image processor" to the method claims to perform the aforementioned limitations.
3. The rejection of claims 9-11, 13-19 and 21-23 under 35 U.S.C. 112, second paragraph is withdrawn because the Applicant's arguments and amendment considered persuasive.
4. Applicant's arguments with respect to claims 1-3, 5-11, 13-19 and 21-23 have been considered but are moot in view of the new ground(s) of rejection. Please see the rejections as indicated below.

The Examiner believes that all the arguments of the Applicant have been properly addressed and explained. Thus, the rejections of all of the claims are maintained.

**Examiner's Note**

1. Examiner has cited particular columns and line numbers or figures in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5-11, 13-19 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of U.S. Patent 6,806,898 by Toyama et al. ("Toyama"), U.S. Patent 6,707,933 by Mariani et al. ("Mariani"), Schneiderman et al. U.S. Pub. No. 2002/0159627, and further in view of Kim U.S. Pub. No. 2003/0064658.

Regarding claim 1, Toyama discloses a method (figure 8) for processing an image containing at least a portion of a head of a human in a video phone system, comprising:

estimating an orientation of said head in said image using a pattern recognition technique (810);

computing a three dimensional model of a face surface of said human using a computer vision technique (822, 824); and

adjusting an orientation of said three dimensional face surface model to provide a frontal view (826).

Toyama does not explicitly disclose a pattern recognition technique comprises a classification technique and does not appear to disclose that the image is kept unmodified when the orientation of the head is estimated to be frontal, as claimed. It appears that Toyama performs the computing and adjusting steps regardless of the orientation of the head. Also,

Toyama does not explicitly teach computing a three dimensional model on a face surface of said human using a computer vision technique based on the result of the classification technique.

Mariani discloses a facial direction estimation system. In particular, for a video conferencing environment, Mariani teaches that "[u]sing the face direction estimation ... it is possible to enhance the quality of the transmitted images by generating a frontal view when the face is off-frontal ... or by unchanging the current satisfying frontal face which is displayed" (column 3/34-40) and further teaches a pattern recognition technique (column 3, lines 63-65) comprises a classification technique (column 4, lines 25-28). Thus, Mariani, like Toyama, recognizes the need to adjust the orientation of the face in order to achieve eye-to-eye contact for video conferencing communications. Mariani further recognizes that when the original image of the face is a "satisfying frontal face" there is no need to change the orientation of the head, and the image can be left unchanged. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Toyama by Mariani to achieve the claimed invention since Mariani teaches that when the orientation of the head is estimated to be front-facing, there is no need to modify the image of the face since it is already in the desired orientation.

Additionally, Schneiderman teaches a facial processing system (FIG. 6) wherein discloses computing a three dimensional model on a face surface of said human using a computer vision technique based on the result of the classification technique (a processing of three dimensional model utilizing decision rule mathematically to train classifiers) (page 4, [0054] and page 5, column 2). Modifying Toyama's method of processing human facial according to Schneiderman would be able to compute a three dimensional model on a face

surface of said human using a computer vision technique based on the result of the classification technique. This would improve processing because it would improve estimation of the presence of the 3D object based on evaluation of the plurality of visual attributes (page 2, [0014]) and therefore, it would have been obvious to one of the ordinary skill in the art to modify Toyama according to Schneiderman.

Toyama does not explicitly teach a concept of the camera and the display of the handheld video phone system are integrated in a single unit and thus would not be able to provide an image containing at least a portion of a head of a user of the video phone system to the image processor. Kim teaches a handheld video phone system (abstract) wherein further discloses a concept of the camera and the display of the handheld video phone system are integrated in a single unit (abstract; FIG. 1, 4-5) and thus would be able to provide an image containing at least a portion of a head of a user of the video phone system to the image processor. Modifying Toyama's method of processing human facial according to Kim would be able to teach a concept of the camera and the display of the handheld video phone system are integrated in a single unit and thus improve the portability. This would improve processing and therefore, it would have been obvious to one of the ordinary skill in the art to modify Toyama according to Kim.

Regarding claim 2, Toyama discloses said computing act further comprises an act of using a symmetric face assumption to obtain a complete three dimensional face surface model for a profile view (824).

Regarding claim 3, Toyama discloses said computing act further comprises an act of employing a structure from motion technique to obtain said three dimensional face surface model (column 13/1-10).

Regarding claim 5, Toyama discloses said computing step generates a morphable three dimensional model (column 10/60—11/43: the 3D model of the face can be morphed, i.e., rotated, moved, changed, etc., into a desired shape/pose).

Regarding claim 6, Toyama discloses the step of mapping said three dimensional face surface model having an adjusted orientation to a two dimensional space (828).

Regarding claim 7, Toyama discloses the step of transmitting said adjusted image to a remote user (see e.g. figure 2).

Regarding claim 8, Toyama discloses the step of presenting said adjusted image to a local user (see e.g. figures 1 and 2).

Regarding claim 9, Toyama discloses an image processor (102, figure 1) for use in a video phone system, comprising:

a memory (104) for storing an image containing at least a portion of a head of a human; and

a head pose corrector that

(i) estimates an orientation of said head in said image using a pattern recognition technique (810, figure 8);

(iii) computes a three dimensional model of a face surface of said human using a computer vision technique (822, 824, figure 8); and

(iv) adjusts an orientation of said three dimensional face surface model to provide a frontal view (826, figure 8).

Toyama does not appear to disclose that the image is kept unmodified when the orientation of the head is estimated to be frontal, as claimed. It appears that Toyama performs the computing and adjusting steps regardless of the orientation of the head.

Mariani discloses a facial direction estimation system. In particular, for a video conferencing environment, Mariani teaches that "[u]sing the face direction estimation ... it is possible to enhance the quality of the transmitted images by generating a frontal view when the face is off-frontal ... or by unchanging the current satisfying frontal face which is displayed" (column 3/34-40). Thus, Mariani, like Toyama, recognizes the need to adjust the orientation of the face in order to achieve eye-to-eye contact for video conferencing communications. Mariani further recognizes that when the original image of the face is a "satisfying frontal face" there is no need to change the orientation of the head, and the image can be left unchanged. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Toyama by Mariani to achieve the claimed invention since Mariani teaches that when the orientation of the head is estimated to be front-facing, there is no need to modify the image of the face since it is already in the desired orientation.

Toyama does not explicitly teach a concept of the camera and the display of the handheld video phone system are integrated in a single unit and thus would not be able to provide an image containing at least a portion of a head of a user of the video phone system to the image processor. Kim teaches a handheld video phone system (abstract) wherein further discloses a concept of the camera and the display of the handheld video phone system are integrated in a single unit (abstract; FIG. 1, 4-5) and thus would be able to provide an image containing at least a portion of a head of a user of the video phone system to the image processor. Modifying

Toyama's method of processing human facial according to Kim would be able to teach a concept of the camera and the display of the handheld video phone system are integrated in a single unit and thus improve the portability. This would improve processing and therefore, it would have been obvious to one of the ordinary skill in the art to modify Toyama according to Kim.

Regarding claim 10, Toyama discloses said head pose corrector is further configured to use a symmetric face assumption to obtain a complete three dimensional face surface model for a profile view (824, figure 8).

Regarding claim 11, Toyama discloses said head pose corrector is further configured to employ a structure from motion technique to obtain said three dimensional face surface model (column 13/1-10).

Regarding claim 13, Toyama discloses said three dimensional face surface model is a morphable three dimensional model (column 10/60—11/43: the 3D model of the face can be morphed, i.e., rotated, moved, changed, etc., into a desired shape/pose).

Regarding claim 14, Toyama discloses said head pose corrector is further configured to map said three dimensional face surface model having an adjusted orientation to a two dimensional modified image (828, figure 8).

Regarding claim 15, Toyama discloses said two dimensional modified image is transmitted to a remote user (see e.g. figure 2).

Regarding claim 16, Toyama discloses said two dimensional modified image is presented to a local user (see e.g. figures 1 and 2).

Regarding claim 17, Toyama discloses a video phone system (figures 1-2), comprising:

a memory (104, figure 1) for storing an image containing at least a portion of a head of a human; and

a head pose corrector (102, figure 1) that

(i) estimates an orientation of said head in said image using a pattern recognition technique (810, figure 8);

(iii) computes a three dimensional model of a face surface of said human using a computer vision technique (822, 824, figure 8); and

(iv) adjusts an orientation of said three dimensional face surface model to provide a frontal view (826, figure 8).

Toyama does not appear to disclose that the image is kept unmodified when the orientation of the head is estimated to be frontal, as claimed. It appears that Toyama performs the computing and adjusting steps regardless of the orientation of the head.

Mariani discloses a facial direction estimation system. In particular, for a video conferencing environment, Mariani teaches that "[u]sing the face direction estimation ... it is possible to enhance the quality of the transmitted images by generating a frontal view when the face is off-frontal ... or by unchanging the current satisfying frontal face which is displayed" (column 3/34-40). Thus, Mariani, like Toyama, recognizes the need to adjust the orientation of the face in order to achieve eye-to-eye contact for video conferencing communications. Mariani further recognizes that when the original image of the face is a "satisfying frontal face" there is no need to change the orientation of the head, and the image can be left unchanged. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Toyama by Mariani to achieve the claimed invention since Mariani teaches that when the

orientation of the head is estimated to be front-facing, there is no need to modify the image of the face since it is already in the desired orientation.

Toyama does not explicitly teach a concept of the camera and the display of the handheld video phone system are integrated in a single unit and thus would not be able to provide an image containing at least a portion of a head of a user of the video phone system to the image processor. Kim teaches a handheld video phone system (abstract) wherein further discloses a concept of the camera and the display of the handheld video phone system are integrated in a single unit (abstract; FIG. 1, 4-5) and thus would be able to provide an image containing at least a portion of a head of a user of the video phone system to the image processor. Modifying Toyama's method of processing human facial according to Kim would be able to teach a concept of the camera and the display of the handheld video phone system are integrated in a single unit and thus improve the portability. This would improve processing and therefore, it would have been obvious to one of the ordinary skill in the art to modify Toyama according to Kim.

Regarding claim 18, Toyama discloses said head pose corrector is further configured to use a symmetric face assumption to obtain a complete three dimensional face surface model for a profile view (824, figure 8).

Regarding claim 19, Toyama discloses said head pose corrector is further configured to employ a structure from motion technique to obtain said three dimensional face surface model (column 13/1-10).

Regarding claim 21, Toyama discloses said head pose corrector is further configured to map said three dimensional face surface model having an adjusted orientation to a two dimensional modified image (828, figure 8).

Regarding claim 22, Toyama discloses said two dimensional modified image is transmitted to a remote user (see e.g. figure 2).

Regarding claim 23, Toyama discloses said two dimensional modified image is presented to a local user (see e.g. figures 1 and 2).

***Conclusion***

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Contact Information***

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN Q. LE whose telephone number is (571)272-7424. The examiner can normally be reached on 8:30 A.M - 5:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samir Ahmed can be reached on 571-272-7413. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brian Q Le/  
Primary Examiner, Art Unit 2624  
Friday, May 15, 2009